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## STIPULATION AND [PROPOSED] ORDER REGARDING DISMISSAL

WHEREAS, on December 18, 2023, the Court issued a Memorandum and Order granting Defendants' motions to dismiss the amended complaint in the above-captioned action, in part with prejudice and in part without prejudice, with leave to file an amended complaint within 30 days of the entry of the Memorandum and Order;

WHEREAS, no Judgment has been entered by the Court;

WHEREAS, no party contends that any other party has failed to comply with Rule 11(b) of the Federal Rules of Civil Procedure; and

WHEREAS, counsel for the parties have met and conferred and determined that it is in all parties' best interests to resolve this matter without further litigation, including without a further amended complaint or any appeal;

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND ORDERED, that:

- The above-captioned action is voluntarily dismissed with prejudice pursuant to 1. Federal Rule of Civil Procedure 41(a)(1)(A)(ii); and
- 2. The parties shall bear their own attorneys' fees, costs and expenses in connection with the above-captioned action.

Dated: January 25, 2024

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SO ORDERED on January 26 , 2024.

/s/ Eric N. Vitaliano

THE HON. ERIC N. VITALIANO UNITED STATES DISTRICT JUDGE

The Clerk of Court is directed to close this case.